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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,030	07/15/2003	Dallas Wynne	10739.18.100	7531

22859 7590 09/08/2004

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EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,030

Applicant(s)

WYNNE, DALLAS

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 20,22,23,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An amendment was received from the applicant on July 21, 2004.
2. Claim 24 has been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 5,664,515).

Hattori et al. discloses the same watercraft as claimed, as shown in Figures 1-5, that is comprised of a hull, defined as Part #12, a deck, defined as Part #14, a propulsion device, defined as Part #39, an engine, defined as Part #36, and an air ventilation system, as shown in Figures 1 and 2, that is comprised of a means for circulating air in the hull of said watercraft. Said air circulating means is further comprised of first and second pipes, defined as Part #59, each having an intake port, defined as Part #57, and an outlet port located in the bottom third of the hull of said watercraft, as shown in Figure 3, where said intake ports are located on opposite sides of said watercraft, and said pipes cross over each other, as shown in Figure 2, to provide outlet ports on opposite sides of said watercraft from each of said pipes

respective intake ports. Said watercraft is also provided with a deck shroud, defined as Part #17, that covers the intake ports of said first and second pipes, as shown in Figures 3 and 5, as well as a seat, defined as Part #29, and a control assembly, defined as Part #31. Said outlet ports of said pipes are also located next to a fuel tank, defined as Part #61, as shown in Figure 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 23, 25 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (US 5,664,515).

Hattori et al., as set forth above, discloses all of the features claimed except for the use of an air ventilation system that consists of a single pipe having an intake port and an outlet port, said intake port being located on a first side of said watercraft, and said outlet port being located on a second side in the bottom third of the hull of said watercraft, as well as an air ventilation pipe with multiple outlet ports that are located either on the same side of said watercraft, or on opposite sides of said watercraft.

The use of a watercraft air ventilation system having only a single pipe having an intake port and an outlet port instead of two pipes having intake ports and outlet ports, where said intake port is located on a first side of said watercraft, and said outlet port is

located on a second side in the bottom third of the hull of said watercraft, would be considered by one of ordinary skill in the art to be an obvious reduction of parts for the purpose of simplifying the structure and manufacture of said watercraft.

The use of a watercraft air ventilation pipe with multiple outlet ports would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing airflow to more than one location within the hull of a watercraft.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a single air ventilation pipe with an outlet port located in the bottom third of the hull of a watercraft, or multiple outlet ports, in combination with the watercraft as disclosed by Hattori et al. (US 5,664,515) for the purpose of providing air ventilation to multiple positions within the hull of a watercraft directed from a single air intake in order to reduce drag caused by multiple air intakes.

Allowable Subject Matter

7. Claims 1-19 and 27-29 are allowed.
8. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 22, 23, 25 and 26 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed on July 21, 2004 regarding claim 20 have been fully considered but they are not persuasive.

11. The applicant argues that Hattori et al. (US 5,664,515) does not disclose all of the features as claimed in claim 20.

In response to the applicant's argument, Hattori et al. discloses a watercraft that is comprised of a hull, a deck that is located on said hull, a propulsion device that is carried by said hull for propelling said watercraft, an engine that is positioned within said hull for driving said propulsion device, and an air ventilation system that is further comprised of a means for circulating air in the hull of said watercraft. Hattori et al. thus discloses all of the features as claimed in claim 20. Therefore, for the reasons given above, the rejection of claim 20 is deemed proper and is not withdrawn.

Conclusion

12. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

September 3, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
9/3/04